



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,791	04/30/2001	Brandon Dillan Tinianov	7120	3178

7590 07/24/2002

Robert D. Touslee  
Johns Manville International, Inc.  
10100 West Ute Avenue  
Littleton, CO 80127

EXAMINER

HARRIS, CONNIE

ART UNIT	PAPER NUMBER
----------	--------------

2837

DATE MAILED: 07/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/845,791

Applicant(s)

TINIANOV, BRANDON DILLAN

Examiner

Connie R Harris

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

Art Unit: 2837

**DETAILED ACTION**

**FIRST ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Haines et al US Patent No. 5,824,973.

**Claim 1:** Haines et al teaches a system for improved sound absorption (12) with a substrate (14) of porous insulation material and of a first air flow resistance (214/216/218); and a facing (16) material attached to the substrate and of a second air flow resistance (214/216/218). A total system resistance is a combination of first and second air flow resistance with the total system resistance and the second air flow resistance are relatively low values (See Fig. 1, Fig. 5 and Column 8, lines 25-44).

**Claim 2:** All of the limitations of claim 1 are met by Haines et al. With respect to claim 2, Haines et al teaches that the facing material has an air flow of resistance of around 360 MKS Rayls (Column 7, lines 19-28).

**Claim 3:** All of the limitations of claim 1 are met by Haines et al. With respect to claim 3, Haines et al teaches that the total system air flow resistance is around 1250 MKS Rayls (Column 7, lines 28-37).

Art Unit: 2837

**Claim 4:** All of the limitations of claim 1 are met by Haines et al. With respect to claim 4, Haines teaches that the substrate is made of glass fiber, mineral wool, thermoplastics polymeric fiber, thermosetting polymeric fiber, carbonaceous fiber, milkweed fiber, and foam insulation (Column 8, lines 15-25).


**Claim 5:** All of the limitations of claim 1 are met by Haines et al. With respect to claim 5, Haines teaches that the substrate can be a ceiling (Column 1, lines 22-29).

**Claim 6:** All of the limitations of claim 1 are met by Haines et al. With respect to claim 6, Haines teaches that a second facing material attached to the substrate (Column 3, lines 8-14 and Fig. 1).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Connie R Harris whose telephone number is 703-305-4747. The examiner can normally be reached on 8:30 a.m.-5:30 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3329.

Connie R. Harris   
Examiner  
Art Unit 2837

\*\*\*

July 20, 2002

  
SHIH-YUNG HSIEH  
PRIMARY EXAMINER